
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 3, 2024

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JOURNAL OF THE SENATE

Thursday, October 3, 2024.

Met at ten minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed, by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Keenan for the purpose of an introduction. Mr. Keenan then introduced, in the rear of the Chamber, Ava Hosea and her mother, Sherri Thomas. They were visiting the State House in recognition of the efforts of United Ostomy Associations of America, Inc. and their observance of October 5, 2024 as Ostomy Awareness Day in the commonwealth. The Senate welcomed them with applause and they withdrew from the Chamber.

Ava Hosea and Sherri Thomas.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointments of Senator William N. Brownsberger as co-chair and Senator Adam Gomez (pursuant to Section 214 of Chapter 140 of the Acts of 2024) to the Special Commission on Correctional Consolidation and Collaboration (received September 30, 2024); and

Correctional Consolidation and Collaboration Commission,-- appts. SD3464

Communication from the Department of Public Health (pursuant to item 4590-1503 of Section 2 of Chapter 28 of the Acts of 2023) submitting its Massachusetts Maternal Morbidity and Mortality Review Committee 2020-2021 (copies having been forwarded to the Joint Committee on Public Health and Senate Committee on Ways and Means) (received October 1, 2024).

DPH,-- MMMRC report. SD3460

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Department of Public Health (pursuant to 105 CMR 451.408) summarizing the complaint allegations, results and plan of correction for the inspection conducted Old Colony Correctional Center on June 28, 2024 (received October 1, 2024);

DPH,-- facility inspection. SD3424

Report of the Department of Public Health (pursuant to Section 2J of Chapter 111 of the General Laws) submitting its 2023 annual report on the activities of the Public Health Grant Trust Fund (copies having been forwarded to the Senate Committee on Ways and Means (received September 30, 2024);

DPH,-- PHTF report. SD3458

Report of the Water Resources Commission (pursuant to Section 8C of Chapter 21 of the General Laws) submitting its report of the findings, justifications and decision relating to the approval of the Littleton Electric Light and Water Department's request for an interbasin transfer (received September 30, 2024);

WRC,-- Littleton Electric Light and Water ITA report. SD3459

Report of the Northwestern District Attorney (under the provisions of Section 47(d) of

Northwestern DA,--

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Chapter 94C of the General Laws) submitting its 2024 report relative to the use of monies in the trust fund for the purposes of drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs (received September 30, 2024);

2024 forfeiture report.
SD3461

Report of the Opioid Recovery and Remediation Fund Advisory Council (pursuant to Section 35000(c) of Chapter 10 of the General Laws) submitting its FY2024 annual report (received September 27, 2024);

ORRF Council,-- annual report.
SD3462

Report of the Northwestern District Attorney (pursuant to Section 24W(e) of Chapter 90 of the General Laws) submitting its fiscal year 2024 OUI Deterrent Trust Fund annual report (received September 30, 2024);

Northwestern DA,-- OUI Trust Fund report.
SD3463
DPH,-- facility inspection.
SD3465

Report of the Department of Public Health (pursuant to 105 CMR 451.403) relative to the Heat Audit Report and plan of correction for the inspection conducted at MCI Shirley on August 2, 2024 (received October 1, 2024); and

Id.
SD3466

Report of the Department of Public Health (pursuant to 105 CMR 451.403) relative to the Heat Audit Report and plan of correction for the inspection conducted at Old Colony Correctional Center August 2, 2024 (received October 1, 2024).

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representatives Hunt of Boston as Co-Chair and Reyes of Lawrence (under Section 214 of Chapter 140 of the Acts of 2024) to the Special Commission on Correctional Consolidation and Collaboration; and

Correctional Consolidation and Collaboration Commission.
Atlantic States Marine Fisheries Commission.

Representative Armini of Marblehead as the Legislative Commissioner to the Atlantic States Marine Fisheries Commission (established by Public Law 539, 77th Congress: Chapter 283, 2nd Session, 56 Stat. 267; as amended by Public Law 721, 81st Congress, approved August 19, 1950) to fill the vacancy created by the resignation of Representative Peake of Provincetown.

A petition (accompanied by bill, House, No. 5062) of Patricia A. Duffy (with the approval of the mayor and city council) that the city of Holyoke be authorized to change the treasurer in said city from an elected to an appointed position,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Holyoke,-- treasurer.

A Bill relative to designation of the state public health laboratory campus in honor of Dr. Alfred DeMaria, Jr (House, No. 5063,-- on House, No. 3061),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Dr. Alfred DeMaria, Jr.,-- lab.

Bills

Authorizing the town of Hopkinton to establish a means-tested senior citizen property tax exemption for school building construction projects (House, No. 4848,-- on petition) [Local approval received]; and

Hopkinton,-- senior property tax exemption.

Authorizing the town of Fairhaven to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4992,-- on House, No. 4893) [Local approval received on House, No. 4893];

Fairhaven,-- liquor license.

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Rausch) “commending Hope and Comfort, Inc. on observing the week of October 6, 2024 as the First Annual Hygiene Insecurity Awareness Week.”

Hope and Comfort, Inc.

The Chair (Mr. Brownsberger) then requested that Senator Keenan come to the Rostrum to read the following resolutions, as follows:

RESOLUTIONS COMMENDING UNITED OSTOMY ASSOCIATIONS OF AMERICA, INC. FOR RECOGNIZING OCTOBER 5, 2024 AS OSTOMY AWARENESS DAY IN THE COMMONWEALTH.

United Ostomy Associations of America, Inc.

WHEREAS, UNITED OSTOMY ASSOCIATIONS OF AMERICA, INC. WILL RECOGNIZE OCTOBER 5, 2024 AS OSTOMY AWARENESS DAY IN THE COMMONWEALTH; AND

WHEREAS, AN OSTOMY IS A SURGERY THAT CREATES AN OPENING IN THE ABDOMEN THAT ALLOWS FOR THE REMOVAL OF BODILY WASTE WHEN A PERSON HAS LOST THE NORMAL FUNCTION OF DIGESTIVE OR URINARY SYSTEMS DUE TO BIRTH DEFECTS, COLORECTAL CANCER, BLADDER CANCER, CROHN’S DISEASE, ULCERATIVE COLITIS OR OTHER MEDICAL CONDITIONS; AND

WHEREAS, APPROXIMATELY 725,000 TO 1 MILLION PEOPLE IN THE UNITED STATES HAVE AN OSTOMY AND SURGERY CAN OCCUR AT ANY AGE AND AFFECT PEOPLE FROM ALL ETHNIC BACKGROUNDS; AND

WHEREAS, IN GREAT PART DUE TO THE EFFORTS OF UNITED OSTOMY ASSOCIATIONS OF AMERICA, INC. AND MORE THAN 275 OF ITS AFFILIATED SUPPORT GROUPS, INDIVIDUALS IN NEED OF AN OSTOMY ARE BECOMING MORE AWARE OF THE OPPORTUNITIES FOR EDUCATION, MUTUAL ASSISTANCE, ADVOCACY AND SUPPORT; AND

WHEREAS, INCREASING PUBLIC UNDERSTANDING OF OSTOMY CAN HELP TO DISPEL THE FEAR OF THOSE ABOUT TO UNDERGO SURGERY, REMIND THE PUBLIC THAT AN OSTOMY IS A LIFE-SAVING AND LIFE-RESTORING SURGERY AND ENSURE THAT THOSE WHO LIVE WITH AN OSTOMY FACE NEITHER STIGMA NOR DISCRIMINATION; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY COMMENDS UNITED OSTOMY ASSOCIATIONS OF AMERICA, INC. FOR RECOGNIZING OCTOBER 5, 2024 AS OSTOMY AWARENESS DAY IN THE COMMONWEALTH; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO UNITED OSTOMY ASSOCIATIONS OF AMERICA, INC.

The resolutions were then adopted.

Report of a Committee.

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill establishing appointed positions of district clerk and district treasurer for the North Raynham water district (Senate, No. 2717).

North Raynham,-- water district.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third

Reading to read as follows: “An Act establishing the appointed positions of district clerk and district treasurer for the North Raynham water district.”

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A message from Her Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to Medicaid managed care incentive initiative payment mechanisms to the non-state-owned public hospitals (see House, No. 4934) [being the text contained in Sections 219 and 220 of the engrossed Bill making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements [for message, see attachment C of House, No. 4935],-- came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:

Medicaid payments.

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding any general law or special law to the contrary, and subject to the availability of federal financial participation and receipt of all necessary federal approvals referenced in subsection (b), the secretary of health and human services shall implement new annual funding of not less than \$63,600,000 total computable within the state- directed Medicaid managed care incentive initiative payment mechanisms to the non-state- owned public hospital for each of the fiscal years 2024 to 2027, inclusive, at full levels, which reflects a 20 per cent increase to the maximum payment amounts listed in items 2, 4 and 5 of section 6 of Attachment Q of the MassHealth demonstration waiver approved May 15, 2023, effective October 1, 2022 to December 31, 2027, inclusive, under subsection (a) of section 1115 of Title XI of the federal Social Security Act.

(b) Notwithstanding any general or special law to the contrary, the secretary of health and human services, in collaboration with the non-state-owned public hospital, shall seek any and all required federal approvals the secretary and the non-state-owned public hospital deem necessary to implement this act, including any required waivers and other applicable submissions necessary to implement the state-directed payment mechanisms under 42 CFR 438.6(c).

(c) Notwithstanding any general or special law to the contrary, and subject to the availability of federal financial participation and receipt of all necessary federal approvals, the payments to the non-state-owned public hospital referenced in subsection (a) shall be authorized annually by the secretary of health and human services and shall be made through the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws.

(d) The secretary of health and human services shall notify the house and senate committees on ways and means and the joint committee on health care financing of any federal approval received or denied pursuant to this act.

SECTION 2. This act shall take effect as of July 1, 2024.

SECTION 3. Section 1 shall expire on October 1, 2028.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Collins, and the Governor’s amendment was considered forthwith.

On motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bill.

An engrossed Bill authorizing the town of Natick to continue the employment of police officer John Haswell (see House, No. 4686) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation.**

Bill laid before the Governor

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to the uniform child custody jurisdiction and enforcement act (Senate, No. 2754),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2961).

Child custody,-- jurisdiction.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and, after remarks, was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2934) was then ordered to a third reading.

Moment of Silence.

At the request of Mr. Moore and Ms. Kennedy, the members, guests and staff stood in a moment of silence and reflection to the memory of Enrique Delgado Garcia.

Moment of silence.

Order Adopted.

On motion of Mr. Tarr--

Ordered, That when the Senate adjourns today, it adjourns to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

Adjournment in Memory of Enrique Delgado Garcia.

The Senators from Worcester, Mr. Moore and Ms. Kennedy and the Senator from Worcester and Middlesex, Mr. Durant, moved that when the Senate adjourns today, it does so in honor of Enrique Delgado Garcia.

Mr. Garcia, a twenty-five-year-old long time Worcester resident and Massachusetts State Police recruit passed away on September 13th after sustaining fatal injuries during a training exercise.

Enrique worked as a victim witness advocate within the Worcester County District Attorney's Office for a year and a half before leaving in April to fulfill his lifelong dream of becoming a state trooper. Enrique was best known for his strong desire to help anyone he could, his kind heart, dedication to his friends, family, and community, and most of all his generosity. His character ultimately led Enrique to devote himself to the service of others at the academy and in his former role with the Worcester District Attorneys' office. Enrique possessed and displayed all the qualities that would have made him an outstanding Trooper, as he had an extraordinary capacity to learn and a desire to deliver excellent police services to the people of Massachusetts.

Enrique, an upstanding citizen who dedicated his life to protecting others and will be missed by his community, friends, and family. Enrique is survived by his parents, Neftali Delgado and Sandra Garcia, his caring stepfather, José Perez; his loving sisters, Cinthia Ramirez-Garcia, Glenda Delgado, and Anel Delgado; his cherished aunts, Felicia Garcia, Marilynn Garcia, Julia Garcia, and Ivelisse Martinez; his dear nephews, Dominic

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Bonneville and Amir José; many cousins, extended family, and friends.

Accordingly, as a mark of respect to the memory of Enrique Delgado Garcia, at twenty minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.